

## Department of Permitting and Inspections

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## MEMORANDUM

**To:** The Design Advisory Board  
**From:** Mary O'Neil, AICP, and Principal Planner  
**RE:** ZP2100413CA; 400 Pine Street  
**Date:** November 10, 2020

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**File:** ZP21-0413CA  
**Location:** 400 Pine Street  
**Zone:** E-LM **Ward:** 5S  
**Parking District:** Multi Modal Mixed-Use  
**Date application accepted:** October 19, 2020  
**Applicant/ Owner:** SpeakEasy Arts LLC dba Arts Riot / Alan Newman /Howard Space Partnership  
**Request:** Exterior alterations including new deck, accessible ramps, stairs, new openings in façade, new metal entry canopies, new retractable awning. No change to use, egress or occupancy.



### Background: (All of 400 Pine St.)

- **ZP20-1008CA;** change of use to food and beverage processing with accessory retail sales and tasting area (404 Pine St.) June 2020.
- **ZP19-00679CA;** replace existing door with double doors and revamp stairway and landing. April 2019.
- **ZP18-0917CA;** amendment to ZP17-0643CA/MA; revisions to bike shelter, retaining wall and garage door entry, grading and retaining wall, sun shade detail, siding and window sizes. May 2018.
- **ZP18-0627CA** install new garage doors and louvered fans. January 2018.
- **ZP17-0616CA;** change of use from warehouse to glass production facility. June 2017.

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- **ZP17-1039AW**; install awning over existing patio space. May 2017.
- **ZP17-0643CA/MA**; Demolish 2 warehouse buildings, merge 30-32 Howard Street parcel with 400 Pine Street, extinguish interior property lines, demolish duplex and construct new multi-use building. March 2017.
- **ZP16-1231CA**; renovate office space and change use of approximately 4000 sf from warehouse retail to retail with accessory wine bar. May 2016.
- **Non-applicability of Zoning Permit Requirements 16-1082NA**; using space as a pottery studio/showroom. April 2016.
- **ZP16-0784CU**; performing arts center within existing mixed use facility. No site or exterior building changes included. March 2016.
- **Zoning Permit 16-0944CA**; remove and replace two lower windows with larger windows. March 2016. Permit relinquished January 2018.
- **ZP15-1100FC**; installation of fencing to partially enclose existing outdoor seating area. September, 2015.
- **Zoning Permit 15-1226CA**; construction of permanent handicap accessible ramp at Speeder and Earl's. June 2015.
- **Non-Applicability of Zoning Permit Requirements 15-1225CA**; temporary permit, handicap ramp. May 2015.
- **Zoning Permit 14-0274CA**; change of use to woodworking shop in tenant spaces C 1, 2, &4. September 2013.
- **ZP14-0153SN**; replace three existing signs and lighting with new signs and lighting for Arts Riot. August 2013.
- **Zoning Permit 13-1187SN**; installation of 3 parallel signs for the Burlington Music Dojo. No illumination included. June 2013.
- **Zoning Permit 13-0828CA**; change of use to include art gallery and performing arts studio. Food processing to remain, and café to be reduced from 18 seats to 14 seats. Add rear entry, revise and add second front entry, replace existing entry ramp, and other associated modifications. March 2013.
- **Zoning Permit 12-0330CA**; placement of exhaust fan on clerestory area of roof for glass blowing furnace. September 2011.
- **Zoning Permit 11-0208SN**; replace existing sign with Davis Studio sign. No illumination. September 2010.
- **Zoning Permit 11-0077SN**; replace two existing signs. One parallel window sign and one projecting sign. August 2010.
- **Zoning Permit 10-0768CA**; replace 2700 sq. ft. of half lap roofing with new galvanized corrugated metal roofing. April 2010.
- **Zoning Permit 08-103CA**; exterior lighting to be installed on door/stairs and sign for Speeder and Earl's Coffee. August 2007.

- **Zoning Permit 06-384SN**; three signs for Pine Street Art Works. November 2005.
- **Zoning Permit 06-383CA**; change garage style overhead door to swinging doors with half-light windows. Same door location in rear alley of building. New light fixture over front entrance. November 2005.
- **Zoning Permit 06-198CA**; change from Burlington Futon Fabrics to retail art with accessory retail production space of 152 sf. September 2005.
- **Zoning Permit 01-507**; remove loading dock extension on the existing warehouse within the existing commercial complex. Area to be paved for additional parking and circulation areas. No change in use or other exterior changes included. June 2001.
- **Zoning Permit 00-097 / COA 099-006A**; Installation of two externally illuminated signs for the existing retail space (one parallel and one projecting.) August 1999.
- **Zoning Permit 99-045 / COA 099-006**; change of use from service (stained glass) to retail (fabric.) No exterior changes included. July 1998.
- **Zoning Permit 95-497**; installation of four awnings with lettering and illumination, two externally illuminated parallel signs and the relocation of the existing handicapped access ramp to the south entrance. The north entrance will then be made a large window with a planter in front of it. Use remains the Cheese Factory Outlet. June 1995.
- **Zoning Permit 91-277; COA 091 – 057**; installation of two parallel signs on front façade of building, store emblem over an announcement board. No illumination. March 1991.
- **Zoning Permit 85-494**; erect 2 parallel wood, non-illuminated signs, one on Howard Street and one on Pine Street side of extension in building. October 1985.
- **Zoning Permit 85-400**; remove dust collector, raise roof 3' to accommodate one overhead door to interior service yard. October 1985.
- **Zoning Permit 81-178**; replace metal roof, siding and floor. September 1980.
- **Zoning Permit 79-688**; to be used as work space consisting of ornamental iron work fabrication. Also to install two chimneys on the interior. December 1979.
- **Zoning Permit 79-653**; tear down existing stairs and replace exterior stairway. Emergency case. November 1979.
- **Zoning Permit 78-429**; the erection of a 28' x 29' two sided addition on the buildings in the rear. November 1977.
- **Zoning Permit** to use 6 Howard Street for a woodworking shop. Erect an overhanging sign. October 1977.
- **Zoning Permit** issued for a pole sign for Shelburne Spinners. January 1977.
- **Zoning Permit** to erect an overhanging sign within the property lines for Vermont Folk Furnishings. September 1975.
- **Zoning Permit** to remove one window and install one overhead door at 6 Howard Street. March 1974.

- **ZBA review**; to use the premises at 6 Howard Street for the sale and wholesaling of paint and building supplies. July 1972.
- **Zoning Permit** to use the premises for the storage and distribution of spaghetti products. Approved April 1972.
- **ZBA review**: Seeking a special exception under Title 27, Chapter 1, Section 6512-15A to use the masonry portion of the premises at 400 Pine Street for an auto repair garaged. Approved February 1972.
- **ZBA review**: Seeking a special exception under Title 27, Chapter 1, Section 6512-15B to use the premises at 400 Pine Street for the wholesaling and distribution of auto accessories. Approved November 1971.
- **ZBA review** to change a non-conforming use for a furniture stripping business. November 1971.

**Overview:** 400 Pine Street is a collection of assorted industrial buildings repurposed for various uses. The building proposed for alteration under this application is currently the “Arts Riot” structure immediately fronting Pine Street. No change in use or occupancy is included. The application proposes changes to the primary façade and building access, with enhanced outdoor service space inside a structural enclosure. The building is included within the Pine Street Industrial District on the National Register of Historic Places.

#### **Part 1: Land Division Design Standards**

No land division is proposed. Not applicable.

#### **Part 2: Site Plan Design Standards**

##### **Sec. 6.2.2 Review Standards**

##### **(a)Protection of Important Natural Features:**

There are no important natural features at this location. The site is entirely paved or developed.

##### **(b) Topographical Alterations:**

Not applicable.

##### **(c)Protection of Important Public Views:**

As a listed historic structure, visibility for the public is desired. The existing fencing has somewhat diminished that opportunity; however the proposed enclosure will eliminate the street view of the building’s façade and hinder observation for security purposes. See 6.2.3 (i), below.

##### **(d) Protection of Important Cultural Resources:**

*Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city’s or the region’s pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b)*

See Section 5.4.8 (below).

**(e) Supporting the Use of Renewable Energy Resources:**

No part of the application will preclude the use of wind, water, solar, geothermal or other renewable energy resource.

**(f) Brownfield Sites:**

Although 400 Pine Street is listed on the Vermont DEC list of Brownfields for the presence of arsenic and PAH, this was associated with redevelopment of “The Vaults” (along Howard Street.) It is a low priority site, with no land restriction. The current application does not appear to impose any additional regulatory concern.

**(g) Provide for nature's events:**

*Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.*

Changes proposed are exterior structural alterations. No site disturbance is anticipated, albeit deck supporting framework.

*Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.*

The application includes new metal canopies over new and existing openings (Plan Z5.1)

**(h) Building Location and Orientation:**

There is no proposed alteration to the building location or orientation.

**(i) Vehicular Access:**

No change is proposed to motor vehicular access. Bike racks will be incorporated to support non-motorized transit.

**(j) Pedestrian Access:**

The building has immediate access to the public sidewalk. The site abuts the Champlain Parkway improvement area, where plans have anticipated right-of-way improvements and included a steel “baseboard” at the deck perimeter to provide a durable edge for plowing as well as a pour stop for the replacement sidewalk. The Department of Public Works has been engaged with review of the plans; their review and approval of proposed alterations so as not to conflict with Champlain Parkway improvements will be a condition of any decision.

A newly marked pedestrian path will connect to the southwesterly access ramp as well as a striped pedestrian path from the parking area north of the building. (Plan Z2.0)

**(k) Accessibility for the Handicapped:**

The plan includes accessible ramps at both the north and southwest of the building.

**(l) Parking and Circulation:**

Five angled parking spaces are illustrated on plan Z2.0. It is not clear if these are additive or existing. As part of the Multi-modal multi-use parking district, there are no longer any minimum parking requirements, but the existing parking plan as approved remains in effect unless a specific request is made to remove the parking requirements based upon the change in regulation. (ZA20-04)

**(m) Landscaping and Fences:**

A portion of this request is to enclose the outdoor service area with a structured barrier. The proposed fence will meet the Clear Site Triangle required relative to proximity to a drive lane. Planting boxes will act as dividers between businesses along the deck.

**(n) Public Plazas and Open Space:**

There is no requirement within the ordinance to provide a public plaza. The application seeks to identify and enclose an outdoor service area (as opposed to open space.)

**(o) Outdoor Lighting:**

*Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.*

“Festoon” lighting, strung from steel posts is proposed. Typically of low output (and of commercial grade), there is no anticipated adverse impact.

**(p) Integrate infrastructure into the design:**

*Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.*

*Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.*

*Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.*

There is no exterior mechanical equipment installation or relocation, utility or service enclosures included within this application.

## Part 3: Architectural Design Standards

### Sec. 6.3.2 Review Standards

#### (a) Relate development to its environment:

##### *1. Massing, Height and Scale:*

There is no change proposed to the building's massing, scale or height. Not applicable.

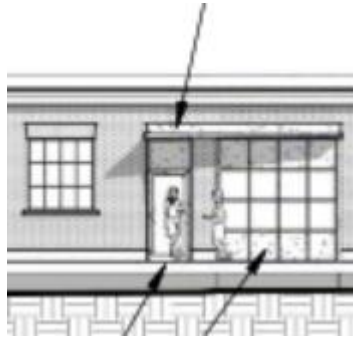
##### *2. Roofs and Rooflines.*

Roofs will remain as existing. New canopies are proposed over entrances.

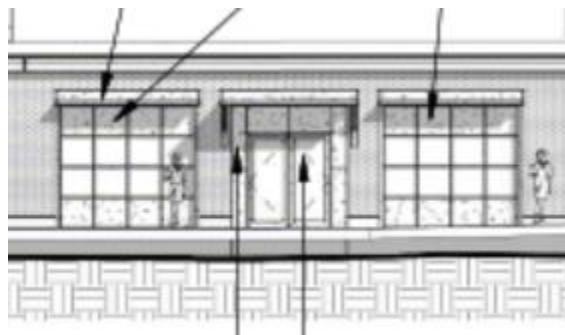
##### *3. Building Openings*

Several notable changes are proposed for building openings.

At the north end of the building, a new entry will be created through the masonry façade, and the non-masonry infill entry will be removed and replaced with an overhead door.



At the center of the façade, two double hung window openings will be replaced with overhead doors.



The entrance to a distillery use will be Copper patina:



The 2017 National Register narrative defines the four, double door entries on the west (all now altered) and the remaining original 12 light metal windows with splayed brick lintels and brick sills. The proposed removal of replacement windows in the 2<sup>nd</sup> bay to create overhead door openings will not be a loss of original windows, but will eliminate the characteristic opening size and lintel/sill detail. Visual inspection suggests, however, that the opening has been altered with an observable masonry repair.



**(b) Protection of Important Architectural Resources:**

*Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.*

See Section 5.4.8.

**(c) Protection of Important Public Views:**

See Section 6.2.2. (c), above.

**(d) Provide an active and inviting street edge:**

*Building facades shall be varied along the street edge by the integration of architectural features, building materials, or physical step-backs of the façade along its length. ..This may be accomplished by incorporating fenestration patterns, bays, horizontal and vertical façade articulations, the rhythm of openings and prominent architectural features such as porches, patios, bays, articulated bases, stepping back an elevation relative to surrounding structures, and other street level details. The use of traditional façade components such as parapet caps, cornices, storefronts, awnings, canopies, transoms, kick plates, and recessed entries are highly encouraged. In areas where high volumes of pedestrian traffic are desired, the use of architectural recesses and articulations at the street level are particularly important in order to facilitate the flow of pedestrian traffic.*

*Non-residential buildings should provide visual access into the interior of the building at street level through the use of large transparent windows and/or window displays in order to create a*



*dynamic and engaging public streetscape. The use of mirrored, frosted, or tinted glass shall not be permitted along an active pedestrian street level façade.*

The application includes the use of entry canopies over newly designed entryways, with low output decorative lighting. Other than window and door alterations, the existing building plane will remain as existing.

The proposal to construct an elevated deck, with staggered enclosure of the seating area separates the space from the public realm and diminishes the opportunity to provide an inviting street presence per this standard. It eliminates the opportunity to gain visual access into the building, and segregates the space from the pedestrian street level. Both visually and functionally, the elevated space with solid fencing separates the building and its uses from the street level.

**(e) Quality of materials:**

*All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.*

Hemlock is proposed for the wood deck and barrier wall cladding. Corten steel is illustrated for the deck base. Both are considered durable for the purposes proposed.

*Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.*

Neither repair, restoration nor replacement of historic building materials are proposed. New materials will be introduced at the location of previous alteration or as part of this plan.

**(f) Reduce energy utilization:**

All new construction is required to meet the Guidelines for Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

**(g) Make advertising features complementary to the site:**

Any signs will require separate permitting.

**(h) Integrate infrastructure into the building design:**

See Section 6.2.2 (p), above.

**(i) Make spaces secure and safe:**

*Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit.*

New construction shall conform to all building and life safety code as defined by the building inspector and the fire marshal.

The proposed fence enclosure will limit visible accessibility of the outdoor service area, and associated building entries.

#### **Sec. 5.4.8 Historic Buildings and Sites**

*The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:*

*To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;*

*To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;*

*To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,*

*To promote the adaptive re-use of historic buildings and sites.*

##### *(a) Applicability:*

*These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.*

400 Pine Street (as a collected E.B. and A.C. Whiting Company site- this building resource #20a) is listed on the National Register of Historic Places within the Pine Street Industrial District. Identified as the Fiber Machine Shop, it was built in 1915. See attached narrative.

##### *(b) Standards and Guidelines:*

*The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.*

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

This structure was built as a fiber machine shop as part of the E. B. and A. C. Whiting Company. Although no longer associated with that industrial use, it has been repurposed for various uses; currently as a performing arts center, distillery, tasting room, and a coffee shop. Some building alteration has already occurred. This application includes the introduction of overhead garage doors in enlarged openings.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The enlargement or introduction of new building entries will alter some original characteristics of the building.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The newly introduced building canopies are not conjectural, and will read as new additions.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

None identified.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The splayed brick lintels over original openings will be lost, as will the dimensions of original building openings. Although some have previously been altered, others are proposed for alteration that will change those original spatial and design characteristics.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

Alterations are based on new design rather than repair. There is no physical evidence or photo documentation that overhead doors or building entries originally existed as now proposed.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical treatments are proposed.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

None are identified at this location. Not applicable.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

Much of the proposed plan involves building openings that have already been modified through earlier alteration or permitting. Some opening enlargement will require masonry, lintel and sill loss. The new work will clearly be differentiated from the old.

*10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Replacing replacement window/doors is less controversial than introducing new openings where none existed or altering an existing opening that remains original. In the latter, restoration would be the only option to return to original condition. For the deck and fence barricade, removal would allow retention of the essential form and integrity of the property.